

STATEMENT OF DURAND JONES, DEPUTY DIRECTOR OF THE NATIONAL PARK SERVICE, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON RESOURCES CONCERNING H.R. 3718, A BILL TO AUTHORIZE A RIGHT-OF-WAY THROUGH JOSHUA TREE NATIONAL PARK, AND FOR OTHER PURPOSES.

APRIL 11, 2002

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 3718, a bill to authorize a right-of-way through Joshua Tree National Park, and for other purposes.

The Department supports H.R. 3718 if amended to address the Administration's concerns. This legislation would provide the necessary legal authority for the right-of-way.

The legislation will authorize a right-of-way for an existing road through Joshua Tree National Park for vehicle access to RM Broadcasting's telecommunication tower site located outside the park. The right-of-way is located in the rugged southwestern section of the park known as the Little San Bernardino Mountains. The remoteness of this area attracts few visitors; however, Congress designated this portion of the park as wilderness in 1976.

The right-of-way is for an existing, unimproved, roadway that traverses approximately seven tenths of a mile through Joshua Tree National Park and park wilderness. In 1987, R Group Management (a predecessor to RM Broadcasting) entered the park without authorization to grade a road on National Park Service land. In compliance with the Wilderness Act, the current superintendent prohibited vehicular use of the road. Research found that even if the area was not designated wilderness, the National Park Service still lacked specific authority to allow this right-of-way.

The legislative solution to authorize the right-of-way is preferable to eliminating seven tenths of a mile of the road and requiring the construction of a new road outside the park.

The construction of a new road outside the park would further impact the surrounding environment and encumber RM Broadcasting.

Generally, the amendments would: (1) ensure that the National Park Service retains the authority to manage parklands and resources; (2) allow for an annual fee that may go beyond a simple calculation based on the federal regulations governing the calculation of compensation for rights-of-way and that would take into consideration that existing federal regulations and policy do not allow private businesses to obtain rights-of-way for road access in national parks; and, (3) allow the Secretary to ensure that use of the right-of-way is consistent with National Park Service regulations and to collect appropriate compensation for the unauthorized entry and resource damage.

In addition to compensation, the Department recommends Congress incorporate a provision to address no net loss of wilderness area. As soon as the Administration completes its review of these amendments, we will transmit them to the subcommittee.

This legislation would provide the needed legal authority for the right-of-way, and if amended, would further ensure that the resources of the park are protected against damage consistent with National Park Service regulations.

This concludes my testimony. I would be glad to answer any questions you may have.